

CIVIL SERVICE COMMISSION MINUTES

NOVEMBER 17, 2004

A meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 of the County Administration Building, 1600 Pacific Highway, San Diego, California.

Present were:

Marc Sandstrom
A.Y. Casillas
Gordon Austin
Barry I. Newman
Francesca Krauel

Comprising a quorum of the Commission

Support Staff Present:

Patt Zamary, Executive Officer
Ralph Shadwell, Senior Deputy County Counsel
Selinda Hurtado-Miller, Reporting

**Approved
Civil Service Commission**

December 15, 2004

**COUNTY OF SAN DIEGO
CIVIL SERVICE COMMISSION MINUTES
NOVEMBER 17, 2004**

1:30 p.m. CLOSED SESSION: Discussion of Personnel Matters and Pending Litigation

2:30 p.m. OPEN SESSION: Room 358, 1600 Pacific Highway, San Diego, California

<u>Discussion Items</u>	<u>Continued</u>	<u>Referred</u>	<u>Withdrawn</u>
6,8	8		4,5,7

COMMENTS: Motion by Newman to approve all items not held for discussion; seconded by Austin. Carried.

**CLOSED SESSION AGENDA
County Administration Center, Room 458
(Notice pursuant to Government Code Sec. 54954.2)
Members of the public may be present at this
location to hear the announcement of the
closed session agenda.**

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Subdivision (a) of Government Code Section 54956.9)
The Copley Press, Inc. v. Superior Court, Court of Appeal No.
D042251

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Subdivision
(b) of Government Code Section 54956.9: one potential case.

**OPEN SESSION AGENDA
County Administration Center, Room 358**

NOTE: Five total minutes will be allocated for input on Agenda items unless additional time is requested at the outset and approved by the Commission President.

MINUTES

1. Approval of the Minutes of the regular meeting of October 20, 2004.

Approved.

CONFIRMATION OF ASSIGNMENTS

2. Commissioner Austin: **Ricky Persky**, Agricultural Standards Inspector, appealing an Order of Suspension and Charges from the Department of Agriculture, Weights & Measures.

Confirmed.

3. Commissioner Sandstrom: Donovan Jacobs, Esq., on behalf of **2004-12**, appealing an Order from the Sheriff's Department.

Confirmed.

WITHDRAWALS

4. Commissioner Krauel: Donna Clark-Richardson, SEIU Local 2028, on behalf of **Donna Collette**, Detentions Processing Supervisor, appealing an Order of Pay Step Reduction and Charges from the Sheriff's Department.

Withdrawn.

5. Commissioner Casillas: Donna Clark-Richardson, SEIU Local 2028, on behalf of **Myrene De La Toba**, former Account Clerk Specialist, appealing an Order of Removal and Charges from the Health and Human Services Agency.

Withdrawn.

LIBERTY INTEREST

Findings

6. Commissioner Newman: **Melissa Morrison**, Liberty Interest hearing regarding her failure of probation in the classification of Deputy Sheriff Cadet-Detentions/Court Services in the Sheriff's Department.

FINDINGS AND RECOMMENDATION:

The matter of the request for a Liberty Interest hearing from Melissa Morrison was presented to the Civil Service Commission at its regular meeting on September 1, 2004. Thereafter the matter was duly noticed and came on for hearing on October 25, 2004.

Appellant was a Deputy Sheriff Cadet-Detentions/Court Services. She was nearing the end of her Detentions and Court Services Academy training when the Department decided to not retain her. This decision was the result of the Sheriff Department's determination that she had cheated on an Academy examination. After Appellant learned of the Department's decision, she

requested, and was granted, a Liberty Interest Hearing. She asserted that she did not cheat.

She understands that she cannot reclaim her job. However, she is concerned about damage to her reputation and future employability. At the Commission hearing, Appellant presented evidence and testimony to rebut the Department's determination. The Department also presented testimony and evidence to support its decision. After considering all of the testimony and evidence, the Hearing Officer has determined the Department's determination was correct.

It is therefore recommended that Employee's liberty interest has not been violated; that the Commission read and file this report; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

Motion by Newman to approve Findings and Recommendations; seconded by Austin. Carried.

SELECTION PROCESS

Complaints

7. Kimberly King, SEIU Local 2028, on behalf of **Deborah Duncan**, Library Technician II, appealing the selection process used by the County Library for the classification of Library Technician III.

RECOMMENDATION: Deny Request.

Subsequent to the Agenda being mailed out, the Commission Office received a withdrawal from SEIU Local 2028 on behalf of appellant.

Withdrawn.

OTHER MATTERS

Seal Performance Appraisal

8. Commissioner Krauel: **Rafael Lopez**, Administrative Analyst III, Health and Human Services Agency, requesting the sealing of a Performance Appraisal for the period January 12, 2003 to January 11, 2004. (Tabled at the Commission's September 29, 2004 meeting.)

RECOMMENDATION: Continue to the next meeting.

Commissioner Krauel advised the Commission that the parties have not yet reached a conclusion on this matter, despite efforts to resolve within the last two weeks. Commissioner Krauel directed staff to set up a meeting with Jean Vuktich, HHSA, Carlos Arauz,

DHR, and Rafael Lopez, Appellant. She further advised that the parties are free to bring with them any representation they deem appropriate. In that vein, Commissioner Krauel moved to continue this matter for one month.

Motion by Krauel to continue this matter; seconded by Casillas; carried.

Continued.

Extension of Temporary Appointments

9. Health and Human Services Agency

A. 2 Residential Care Workers I (Jennifer Maclure, Jon Robbins)

B. 2 Residential Care Workers II (Antonia Garibay, Kim White)

RECOMMENDATION: Ratify.

Item 9 ratified.

10. Discussion of draft procedures relating to the conduct of disciplinary hearings for peace officers.

There was no discussion under Item No. 10.

11. Public Input.

ADJOURNMENT: 3:00 p.m.

NEXT REGULAR MEETING OF THE CIVIL SERVICE COMMISSION:

DECEMBER 15, 2004